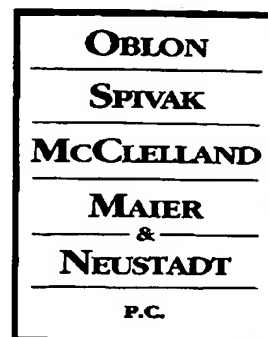


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October 5, 2006



ATTORNEYS AT LAW  
KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

Attn: Refund Department

Re: Deposit Account Number 150030

Dear Sir or Madame:

Enclosed is a copy of a portion of our Deposit Account Statement of August 2006. Please review the highlighted charge on Serial Number 10/561, 530 in the amount of \$130.00 on fee code number 1464.

This charge for filing a Petition Under 37 C.F.R. 1.181 to Grant a Filing Date should be reconsidered as the Patent Office acknowledged when granting the Petition that there was sufficient evidence to establish that the National stage papers were received in the USPTO but misplaced by the Office. Since this Petition was required as a result of the PTO misplacing the papers, we should not be required to pay the Petition fee.

Please review this application and kindly refund \$130.00 to deposit account number 150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Scott Lohr at (703) 412-6472. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in dark ink, appearing to read 'Scott Lohr'.

Scott Lohr

Adjustment date: 11/20/2006 SPDSHEIR  
08/17/2006 JANDERSO 888888883 158838 18561538  
01 Fee Refund: Deposit Account Statement

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16 NOV 2006

Legal Staff  
International Division



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**Deposit Account Statement**

Requested Statement Month:

Deposit Account Number:

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Address:

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State:

Zip:

Country:

August 2006

150030

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16 NOV 2006

Legal Staff  
International Division

| DATE  | SEQ | POSTING<br>REF TXT | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT        | BAL         |
|-------|-----|--------------------|---------------------------|-------------|------------|-------------|
| 08/01 | 18  | 11480369           | 293360US0X                | 1201        | \$400.00   | \$40,003.71 |
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| 08/02 | 15  | 11478610           | 293228US96                | 1202        | \$100.00   | \$37,263.71 |
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| 08/03 | 117 | 11184504           | 271842US/KQU              | 8007        | \$80.00    | \$36,733.71 |
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| 08/04 | 30  | 11483606           | 292976US2                 | 1051        | -\$130.00  | \$36,778.71 |
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| 08/07 | 154 | 60787543           | 276160US/KQU              | 8007        | \$100.00   | \$36,058.71 |
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| 08/09 | 287 | 11201321           | 267029TW (KTY/FF. DEPT)   | 8007        | \$20.00    | \$35,218.71 |
| 08/10 | 6   | 11342534           | 284650US90                | 1081        | \$250.00   | \$34,968.71 |

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|--------------------|-----------------|------|------------|-------------|
| 08/10 170 10542500 | 282594US-8X     | 8021 | \$40.00    | \$34,928.71 |
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| 08/14 206 11134356 | 272655US/KQU    | 8007 | \$40.00    | \$33,558.71 |
| 08/14 207 11134367 | 272661US/KQU    | 8007 | \$40.00    | \$33,518.71 |
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| 08/14 217 11134365 | 270572US/KQU    | 8007 | \$40.00    | \$33,278.71 |
| 08/14 219 60716520 | 278422US/KQU    | 8007 | \$20.00    | \$33,258.71 |
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| 08/16 2 11066168   | 264884US0CONT   | 1806 | \$180.00   | \$31,958.71 |
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| 08/21 203 10244519 |                 | 8011 | \$55.00    | \$29,853.71 |
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| 08/22 47 10896901  | 256318US3       | 1201 | \$200.00   | \$29,253.71 |
| 08/23 23 11499686  | 294650US2       | 1081 | \$250.00   | \$29,003.71 |
| 08/23 25 10003113  | 216934US2       | 1251 | \$120.00   | \$28,883.71 |
| 08/23 70 11338715  | 285119US/KQU    | 8007 | \$20.00    | \$28,863.71 |
| 08/23 79 11357195  | 286611US/KQU    | 8007 | \$20.00    | \$28,843.71 |
| 08/23 139 11505939 | 294715US8X CONT | 8021 | \$7,120.00 | \$21,723.71 |



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07 JUL 2006

Marvin J. Spivak  
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314

In re Application of  
OGURA, et al.  
Application No.: 10/561,530 (10/472,483  
PCT No.: PCT/JP01/08535  
Int. Filing Date: 28 September 2001  
Priority Date: 29 March 2001  
Atty Docket No.: 241082US2XPCT  
For: NEGATIVE RESISTANCE FIELD-EFFECT  
ELEMENT

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition Under 37 C.F.R. 1.181 to Grant a Filing Date" filed 14 December 2005 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

**BACKGROUND**

On 28 September 2001, applicant filed international application PCT/JP01/08535, which claimed a priority date of 29 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 October 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 29 September 2003.

On 14 December 2005, applicant filed the present petition indicating that while a U.S. National stage entry had been filed with the USPTO on 29 September 2003 (as evidenced by the postcard returned by the USPTO with a serial number of 10/472,483), applicant was informed during a phone call with the PCT Help Desk that the USPTO had no record of the filing. Applicant's petition was accompanied by copies of the papers allegedly filed 29 September 2003.

**DISCUSSION**

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date-stamp, "Rec'd PCT/PTO 29 SEP 2003" and clearly identifies:

13 pgs. Specification, 3 Claims (English Translation)  
Combined Declaration, Petition & Power of Attorney (4 pages)  
Application Data Sheet  
Notice of Priority

Application No.: 10/561,530

2

Dep. Acct. Order Form  
Credit Card Payment Form for \$900.00  
Drawings (3 Sheets)  
PCT Transmittal Letter  
PCT/TB/304  
International Preliminary Examination Report  
Information Disclosure Statement  
international Search Report  
Declaration of Takeyoshi SUGAYA

as well as listing the inventors, international application number and attorney docket number. The evidence is sufficient to establish that the National stage papers were received in the USPTO on 29 September 2003. Applicant has certified that the copies filed with the present petition are true and complete copies of the papers originally filed on 29 September 2003. As such, it is proper to GRANT applicant's petition at this time.

As the USPTO has no record of application serial number 10/472,483 the serial number identified above (10/561,530) will be considered the U.S. National stage entry for international application PCT/JP01/08535. The fees paid in application 10/472,483 will be transferred to the serial number 10/561,530 and applicant should continue to use this number in all future correspondence with the USPTO.

Regarding the declaration of inventor Sugaya, MPEP section 605.04 states:

When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. However, applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

Applicant's have advised the Office of the error in the international application, the inventor has confirmed the correct spelling of his name and applicant has provided an application data sheet with the correct spelling of the inventor's name. In addition, the name is correctly spelled on the combined declaration and power of attorney.

An examination of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 29 September 2003.